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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/029,240	12/28/2001	Seong Jin Jo	LT-0009	5026
34610	7590	11/30/2006		
FLESHNER & KIM, LLP P.O. BOX 221200 CHANTILLY, VA 20153			EXAMINER BAYAT, BRADLEY B	
			ART UNIT 3621	PAPER NUMBER

DATE MAILED: 11/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/029,240

Applicant(s)

JO, SEONG JIN

Examiner

Bradley B. Bayat

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Status of Claims

This communication is in response to remarks and amendment filed on September 19, 2006. Claims 1, 5, 8, 12, 19 and 23 have been amended. Claims 1-29 remain pending.

Response to Arguments

Applicant's arguments filed on 9/19/06 have been fully considered but they are not persuasive.

As per claims 1 and 8, applicant argues that the rejection under §102 is improper because the examiner has failed to specifically identify where in the cited reference each and every limitation is disclosed (response p. 11). Applicant contends that the examiner "merely cites multiple paragraphs as disclosing all the limitations" and specifically fails to point out which portions of Ginter disclose "the appliance", "the communications network", "calculating a charge for use of the appliance", "use information", "calculated charge" as recited in the claims.

Id. The examiner respectfully disagrees.

Ginter clearly anticipates the above noted claims as recited. As disclosed in the cited paragraphs of Ginter, information on usage information of remote objects (such as a washing machine) can be securely transmitted via a VDE as part of a communications network to receive usage information to calculate and charge a user based on actual resources used (i.e., the number of cycles a user has used the washing machine in the last month). Accordingly, applicant's argument is without merit.

Applicant further argues that in light of the amendment to the claims wherein a "rental home" appliance is specified, Ginter fails to provide such a limitation (response pp. 11-12).

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Even though applicant has added the language noting a “rental home appliance”, such nonfunctional descriptive language fails to distinguish over the cited prior art. The method of managing the use of an appliance as recited in the claims does not change if the appliance is installed in a rental home, dormitory room, a business or even a monastery. Therefore, the amended language clearly fails to overcome the rejection based on the cited prior art.

As per dependent claims 2-7 and 9-14, applicant relies on the above cited arguments to overcome the rejection.

As per claims 15-18, applicant argues that the cited references fail to disclose the limitation of “receiving information on washing condition program settings based on clothes inserted in the washing machine... (response p. 13-14).” The intended use of the clothes inserted in the washing machine fails to have patentable weight on the claim as recited. For instance, even though the user may insert a light colors, dark colors or a large or small load is not functionally relevant; the fact that a user may select a specific type of wash cycle clearly transmits that signal and/or data to the receiver. Accordingly, such intended use language fails to distinguish over the cited references. In fact, the recited claim language fails to disclose the claim limitations as purported by applicant. Applicant’s arguments with respect to claims 19-29 are unpersuasive as noted above and detailed in the rejection below.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an

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international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Ginter et al. (hereinafter Ginter), US 2004/0133793 A1.

As per the following claims, Ginter discloses:

1. A method of managing use of a rental home appliance, comprising: receiving information on a use of the rental home appliance through a communication network (§0110, 137-140, communication means); calculating a charge (§1515, billing amount calculation algorithm) for the use of the rental home appliance based on the received use information; and transmitting the calculated charge to a user's terminal through the communication network (§1835, 1866-1868, portable VDE electronic appliance 2600 may carry (as may other VDE electronic appliance 600s described) information describing credit history details, summary of authorizations, and usage history information (e.g., audit of some degree of transaction history or related summary information such as the use of a certain type/class of information) that allows re-use of certain VDE protected information at no cost or at a reduced cost. Such usage or cost of usage may be contingent, at least in part, on previous use of one or more objects or class of objects or amount of use, etc., of VDE protected information, 0222, smart objects can make efficient use of remote resources (e.g. centralized databases, super computers, etc.) while providing a secure means for charging users based on information and/or resources actually used).
2. The method of claim 1, wherein said appliance is a washing machine (§1835, washing machine).

3. The method of claim 2, wherein said received use information for calculating a charge includes at least one of a type of washing machine, a load capacity of the washing machine, a motor type of the washing machine, an amount of clothes to be washed, a selected washing course program, a selected washing time, a selected number of washing repetitions, a selected number of agitation or spin cycles, and a number of rinsing repetitions (§0222-229, i.e., usage metering, §1863, the auxiliary terminal could be menu and/or icon driven, and allow very easy user selection of categorization; §2350-2354, appliance rental).
4. The method of claim 1, wherein the appliance is activated by a start signal from a registered subscriber's personal computer or a mobile terminal (§1988-1990; 2350-2354, appliance rental).
5. The method of claim 1, further comprising: entering a subscriber number and a unique number of the appliance through a communication network; authenticating said subscriber number and said unique number of the appliance; and activating said appliance if said subscriber number and said unique number of the appliance are authentic (§2107-2109).
6. The method of claim 1, wherein the user's terminal is a personal computer or a mobile terminal (§0011).
7. The method of claim 1, further comprising sending a bill for use of the appliance after each

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use of the appliance to a corresponding subscriber (§0016, VDE reliably bills user; see also 0111-0140).

8. A method of managing the use of a rental home appliance through a communication network, comprising (§2350-2354:

- authenticating a subscriber number received through the communication network (1840-1842, authentication of VDE appliance);
- transmitting a start signal for a rental home appliance identified by the subscriber number from a server through the communication network to a corresponding subscriber's terminal if the subscriber number is authenticated successfully (1983-1990; command signals);
- receiving use information of the rental home appliance through the communication network (2001, appliance usage/metering);
- calculating a charge for the use of the rental home appliance based on the received use information (0633, 0699, 1042, 1093, 2285; calculating usage and charging based on resources used); and
- transmitting the calculated charge to the subscriber's terminal through the communication network (1129, fig 21 and associated text).

Claims 9-14 are rejected as above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ginter et al., US 2004/0133793 A1 in view of Kurodo et al., (hereinafter Kurodo), US 5,757,643.

As per claims 15, Ginter discloses method of managing use of an appliance, i.e., a washing machine through a communication network, comprising: receiving information on washing machine usage through the communication network; calculating a charge for use of the washing machine based on the received information; transmitting the calculated charge to a user's terminal through the communication network (see rejection above). Although Ginter the elements noted above, it does not explicitly disclose a sensor mechanism that is specific to conditions based on clothes inserted in a washing machine.

Kurodo teaches a remote management system where data detected by a sensor for detecting a condition of a machine is transmitted (see abstract, column 3, line 45-column 4, line 58). It would have been obvious to one of ordinary skill in the art at the time of the invention to utilize the specific parameters for household appliances in order to efficiently and accurately manage remote appliances and charge the user accordingly.

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Claims 16-18 are further rejected under Ginter as provided in detail under 102(e) rejection above.

Claims 19-29 directed to substantially similar subject matter are rejected as above.

Although the Examiner has pointed out particular references contained in the prior art(s) of record in the body of this action, the specified citations are merely representative of the teachings in the art as applied to the specific limitations within the individual claim. Since other passages and figures may apply to the claimed invention as well, it is respectfully requested that the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- US 6,862,496 B2 to Fukuoka et al.
- US Patent 6,167,358 to Othmer et al.
- USPAP 2002/0073183 A1 to Yoon et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley B. Bayat whose telephone number is 571-272-6704. The examiner can normally be reached on Tuesday-Friday 8 a.m.-6:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Fischer can be reached on 571-272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read "Bradley Bayat", with a stylized flourish extending to the right.

Bradley B. Bayat
Primary Examiner
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